

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO**

In re:

**Terry J. Hiebing,
Barbara A. Hiebing**

Debtor(s).

Case No. 09-14043-s7

**DEFAULT ORDER FOR RELIEF FROM STAY AND TO ABANDON PROPERTY
LOCATED AT 341 ALEXANDER STATION AVENUE, NORTH LAS VEGAS, NEVADA
89031**

THIS MATTER comes before the Court on the Motion for Relief from Stay and to Abandon Property ("Motion") filed on November 12, 2009 by **HSBC Bank USA, National Association, as Trustee for Credit Suisse First Boston ARMT 2005-1**. True and correct copies of the Motion for Relief from Stay and to Abandon Property and Notice of Deadline for Filing an Objection to Motion for Relief from Stay and to Abandon Property were served on Debtor, Counsel for Debtor, and the Trustee on November 12, 2009. The deadline for objections to be filed was December 7, 2009. Neither Debtor nor the Trustee has filed an objection or other responsive pleading to Creditor's Motion as of December 9, 2009.

On December 7, 2009 Castle Meinhold & Stawiarski, accessed the Department of Defense Manpower Data Center's website and found that **Terry J. Hiebing** and **Barbara A. Hiebing** are not active members of the military service of the United States, nor her allies, as evidenced in the Affidavit and web pages filed herein.

IT IS THEREFORE ORDERED that **HSBC Bank USA, National Association, as Trustee for Credit Suisse First Boston ARMT 2005-1**, its successors, nominees, assigns and/or real party in interest, and any and all holders of all liens against the subject property, are hereby given relief from the automatic stay pursuant to 11 USC §362 (a) in order to enforce their

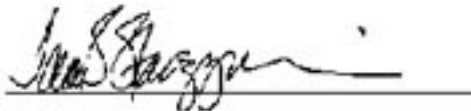
rights under the terms of the Note and Mortgage or Deed of Trust by commencing or proceeding with the appropriate action against the Debtor and/or the Property described as:

Please see attached Exhibit A

which has the address of **341 ALEXANDER STATION AVENUE, NORTH LAS VEGAS, NEVADA 89031** and to exercise any other right or remedy available under law or equity against such property.

IT IS FURTHER ORDERED THAT:

1. The Property is no longer property of the estate.
2. Any deficiency owed by the Debtor to Creditor after foreclosure sale shall be subject to the Bankruptcy Code should this bankruptcy continue;



James S. Starzynski
United States Bankruptcy Judge

Entered on Docket Date: December 8, 2009

RESPECTFULLY SUBMITTED BY:
CASTLE MEINHOLD & STAWIARSKI
By: s/ D. Renae Richards Charney electronically
Attorney for Secured Creditor
999 18th St., Suite 2201, Bin 1
Denver, CO 80202
(303) 285-2222 or (800) 286-0013

Copies To:

Debtors
Terry J. Hiebing
5035 Brown Bear Dr. NE
Rio Rancho, NM 87144

Barbara A. Hiebing
5035 Brown Bear Dr. NE
Rio Rancho, NM 87144

Attorney for Debtor
Laurence M Leshin
1216 Indiana St NE
Albuquerque, NM 87110

Trustee
Yvette Gonzales
Trustee
PO Box 1037
Placitas, NM 87043-1037

DESCRIPTION

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PARCEL ONE (1):

LOT TWO (2) IN BLOCK TWO (2) OF ALEXANDER STATION NO. 3 AS SHOWN BY MAP THEREOF ON FILE IN BOOK 91 OF PLATS, PAGE 10 IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA.

RESERVING THEREFROM A NON-EXCLUSIVE EASEMENT OF ACCESS, INGRESS, EGRESS, USE AND ENJOYMENT OF, IN AND TO THE COMMON ELEMENTS AS SET FORTH IN THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND GRANT AND RESERVATION OF EASEMENTS FOR AZURE ESTATES RECORDED AUGUST 27, 1998 IN BOOK 980827 AS DOCUMENT NO. 01854 AS THE SAME MAY FROM TIME TO TIME BE AMENDED AND/OR SUPPLEMENTED IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA.

PARCEL TWO (2):

A NON-EXCLUSIVE EASEMENT OF ACCESS, INGRESS, EGRESS, USE AND ENJOYMENT OF, IN AND TO THE COMMON ELEMENTS AS SET FORTH IN THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND GRANT AND RESERVATION OF EASEMENTS FOR AZURE ESTATES RECORDED AUGUST 27, 1998 IN BOOK 980827 AS DOCUMENT NO. 01854 AS THE SAME MAY FROM TIME TO TIME BE AMENDED AND/OR SUPPLEMENTED IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA, WHICH EASEMENT IS APPURTENANT TO PARCEL ONE (1).